

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

zuMedia Inc.,

Plaintiff,

-against-

IMDb.com, Inc.,

Defendant.

Case No. 1:23-CV-08472-VSB

**DECLARATION OF JOHN H. GRAY IN
SUPPORT OF DEFENDANT'S PARTIAL
MOTION TO DISMISS**

I, John H. Gray, am competent to testify and have personal knowledge of the facts contained in this declaration, and declare as follows:

1. I am a partner at Perkins Coie LLP and counsel for defendant IMDb.com, Inc.

2. Attached hereto as **Exhibit 1** is a true and correct copy of search results from the United States Patent and Trademark Office's ("USPTO") Trademark Electronic Search System ("TESS") showing trademark applications filed by Plaintiff zuMedia Inc., which my firm searched on January 26, 2024.

3. Attached hereto as **Exhibit 2** is a true and correct copy of TESS search results showing trademark applications filed by Phyllis Jager, owner of Plaintiff zuMedia, Inc., which my firm searched on January 26, 2024.


4. Attached hereto as **Exhibit 3** are true and correct copies of printouts from the USPTO's Trademark Status & Document Retrieval ("TSDR") tool (which my firm searched on January 26, 2024), showing the status of U.S. Serial Nos. 97/540,766, 97/798,384, 97/799,285, and 97/866,989, including the dates the applications were filed.

5. Attached hereto as **Exhibit 4** are true and correct copies of printouts from the USPTO's TSDR tool (which my firm searched on January 26, 2024), showing the status of U.S. Reg. No. 3,936,436, the most recent specimen submitted demonstrating use of the mark, and the USPTO's acceptance of the same.

6. Attached hereto as **Exhibit 5** are true and correct copies of printouts from the USPTO's TSDR tool (which my firm searched on January 26, 2024), showing the status of U.S. Reg. No. 4,710,373, the most recent specimen submitted demonstrating use of the mark, and the USPTO's acceptance of the same.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 2, 2024.



John H. Gray